



U.S. DEPARTMENT of STATE

Algeria

Country Reports on Human Rights Practices - [2003](#)

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Algeria is a multiparty republic based upon a constitution and a presidential form of government. The head of state is elected by popular, secret vote to a 5-year term. The president has the constitutional authority to appoint and dismiss cabinet members, as well as the Prime minister who acts as the head of government. President Abdelaziz Bouteflika was last elected in 1999, running unopposed after the other candidates withdrew on the eve of the election citing voting fraud. Bouteflika is not formally affiliated with any political party. The next presidential elections are scheduled for April 2004. The country has a bicameral parliament consisting of the National People's Assembly (lower house) and the Council of the Nation (upper house). All members of the Assembly are elected by popular vote, while two-thirds of the Council is elected by the local (state) assemblies and the remaining one-third are appointed by the President. Elections were held for the Assembly in May 2002, followed by indirect elections in December for the Council of the Nation that saw six Islamists elected for the first time. The military influences defense and foreign policy and is widely believed to have influenced the outcome of the 1999 presidential elections. In June, the military publicly professed that it will remain politically neutral in the 2004 presidential elections and new electoral reforms have eliminated military voting in the barracks. Although the Constitution provides for an independent judiciary, it continued to be restricted by executive influence and internal inefficiencies.

The security apparatus comprises the army, consisting of ground, naval, and air defense forces; the national gendarmerie; the national police; communal guards; and local self-defense forces. All of these elements were involved in counterinsurgency and counter terrorism operations. The Ministry of National Defense and Ministry of Interior oversee the maintenance of order within the country. While the Government generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The country is transitioning from a state-administered to open market economy. The country had a total population of approximately 31.5 million. The hydrocarbons sector was the backbone of the economy, accounting for approximately 60 percent of budget revenues, 46 percent of Gross Domestic Product (GDP), and over 95 percent of export earnings. Unemployment was estimated at 30 percent, with even higher levels of unemployment in the 20 to 30-year-old age bracket.

The Government's human rights record remained poor and worsened in a few areas; however, important progress was made in some areas. Aspects of the State of Emergency continued to restrict citizens' right to change their government. There were fewer reports of security force abuses. However, there continued to be problems with excessive use of force and the failure to account for past disappearances. Short-term disappearances of prisoners deemed "threats to national security" reportedly increased. The incidence and severity of torture declined markedly; however, new allegations continued. Security forces carried out extra-judicial killings and civilian and military police arbitrarily detained persons. Arbitrary arrests and incommunicado detention continued; most of these cases were committed in the context of the Government's continuing battle with terrorism. The Government routinely denied defendants fair and expeditious trials, and interference with privacy rights remained a problem. Despite judicial reforms, prolonged pre-trial detention and lengthy trial delays were problems. Defendants' rights to due process, illegal searches, and infringements on citizens' privacy rights also remained problems. The Government imposed new restrictions on freedom of expression, and an increased willingness to implement them. The Government did not always punish abuses, and official impunity remains a problem. Defamation laws and government actions restricted the relative freedom of the print media; however, the media continued to openly and regularly criticize the Government, despite government reprisals. The Government continued to restrict, in varying degrees, freedom of speech, press, assembly, association, and movement during the year. The Government also placed some restrictions on freedom of religion. Domestic violence against women, the Family Code's limits on women's civil rights, and societal discrimination against women remained serious problems. Child abuse was a problem. Although the Government recognized the Amazigh language as a national language, Tamazight ethnic, cultural, and linguistic rights were the objects of demonstrations and riots and remained an undercurrent of the political scene throughout the year. Child labor was a problem in some sectors. The Government continued to restrict workers' rights by not officially recognizing some unions.

The country is gradually emerging from over a decade of civil strife between proponents and opponents of an Islamic state. During that decade, actions by government authorities, insurgents and terrorist groups, some of which have ties to al-Qa'ida, deprived citizens of their fundamental right to security, created serious human rights problems, and set back the country's transition toward a democratic system. Fighting during the 1990s resulted in 100,000-150,000 estimated deaths. Fighting

between government forces and terrorist groups continued in some rural and mountainous areas and the country formally remains in a State of Emergency status. However, daily violence has declined and the situation in the country has improved since the 1990s when persons regularly disappeared and were brutally killed.

Terrorist groups committed numerous serious abuses and killed hundreds of civilians, including infants. Terrorists continued their campaign of insurgency, targeting government officials, families of security force members, and civilians. The killing of civilians often was the result of rivalry between terrorist groups or to facilitate the theft of goods needed to support their operations. Terrorist groups used violence to extort money, food, and medical supplies. Terrorists left bombs in cars, cafes, and markets, which killed and injured indiscriminately. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed. The violence occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed extra-judicial killings, mostly during clashes with armed terrorist groups. The Government maintained that security forces resorted to lethal force only in the context of armed clashes with terrorists. During the year, the press and the Algerian League for Human Rights (LADH) a local non-governmental organization (NGO) reported that security forces killed 31 civilians. The Government stated that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights, and that some disciplinary action was taken during the year. In September, Ali Tounsi, the head of security forces, announced that 2,269 gendarmes and 211 policemen had been dismissed over the last 2 years for abuse of authority (see Section 1.d.). However, the Government did not routinely release specific information regarding punishments of military and security force personnel.

During 2001 and 2002, the majority of civilian deaths at the hands of security forces occurred during protests in and around the Kabylie region.

The gendarme responsible for the death of a Kabylie youth that sparked the Black Spring rioting was tried in September 2002 by a military tribunal and sentenced to two years in prison for involuntary homicide (See Section 1.d.). Security forces kept a minimal presence in the Kabylie region; however, unlike in previous years, there were no reported deaths attributed to the security forces.

No action was taken in the March 2002 case where hundreds of persons died in riots between gendarmes and protestors and the April 2002 case in which numerous persons were injured and killed during street battles between Kabylie protestors and riot police.

The National Assembly Commission released during the year its report on the April 2001 demonstrations and riots in which security forces killed as many as 80 persons. The report differed little from the original account of the incident given by security forces. In reaction to the National Assembly report's release, the Government issued financial indemnities to the families of victims and detainees in addition to a proclamation ordering the "draw down" of gendarmes during the year. Both uniformed and civilian clothes police were deployed to minimize tension in the region.

During the year, security forces killed numerous suspected terrorists. On January 19, security forces killed 40 in an operation designed to find the perpetrators of the Batna convoy attack (see Section 1.g.).

Terrorists targeted both security forces and civilians. Civilian deaths attributed to terrorists decreased from 1,375 deaths in 2002 to 258 during the year. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. In other cases, violent reprisals were reportedly taken against those who failed to pay a "tax" to the terrorists. Terrorists killed numerous civilians, including infants, in massacres and with small bombs (see Section 1.g.). Other tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs.

Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year as a result of the ongoing violence, a decrease of 61 percent from the previous year. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities.

On February 25, terrorists killed 12 civilians and injured 7 at a false roadblock set up near Tipaza, west of Algiers. The press reported it as one of the deadliest incidents in the country since the start of the year. On June 5, armed terrorists killed 12 persons and injured 2 near Khemis Miliana, west of Algiers, when the bus they were traveling in stopped at a false roadblock. On May 27, in Ain Soltane, terrorists killed a family of 14, including a 6-month-old baby, as they slept, after mistaking their home

for a police officer's residence.

Other similar incidents took place during the year and from 1991-2002.

b. Disappearance

During the year, there were no substantiated reports of disappearances in which the security forces were implicated. However, local NGOs reported a trend of prolonged detention ranging from 8 to 18 months that was frequently reported as a disappearance until the person in question was returned to his or her family. These "new" disappearances at the hands of security forces often differed in duration and outcome from the disappearances that remain unresolved and that occurred in the country during the first half of the 1990s. These incidents remained contrary to the legal procedures stipulated in the country's Penal Code and its Constitution.

During the year, Human Rights Watch (HRW) reported two cases of persons who disappeared after being taken into custody by the security forces. HRW reported that Kamel Boudahri remained unaccounted for more than one year after he and his brother Mohamed were arrested in the city of Mostaghanem on November 13, 2002.

HRW also reported that Abdelkader Mezouar's whereabouts have been a mystery since July 2, 2002, when he was seized by four men in plainclothes who came in an unmarked vehicle to the mechanic's garage where he lives and works. Authorities have not acknowledged arresting Mezouar. There were no developments in either case at year's end.

There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-1990s, many of which involved the security forces. A Ministry of Interior office in each district accepts cases from resident families of those reported missing. Credible sources state that the offices provided little useful information to the families of those who disappeared. The government did not use DNA testing to identify victims, take appropriate measures to safeguard the available evidence, or establish a satisfactory system for exhuming remains and notifying families.

On March 31, the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPPDH) recommended the creation of an investigative Committee of Inquiry and a social welfare network for families of the "disappeared." On September 20, Farouk Ksentini, Director of the CNCPPDH, was named head of the Government's newly created Ad Hoc Mechanism to deal solely with this issue, and as part of the growing governmental acknowledgement for some responsibility in cases of those who have disappeared. In subsequent public interviews, Ksentini described the Mechanism as an interface between the Government and victims' families with the authority to request information from governmental bodies in the course of researching claims by family members concerning the disappearance of their relatives, and possibly determine if compensation would be awarded to families.

Some local NGO groups that deal with the issue of the disappeared severely criticized the Mechanism. They were not invited to give any input related to its creation and claimed it could not provide any guarantee of its independence and impartiality, and that it would not determine responsibility for disappearances. HRW welcomed the Mechanism's mandate to verify disappearances and compensate families; however, HRW noted that it fell short of holding perpetrators accountable and bringing them to justice. Ksentini stated that the Mechanism would forward any evidence of responsibility to the judiciary for prosecution.

In 2001, the Minister of Interior told the National Assembly that the Ministry had agreed to investigate 4,880 cases of citizens reported disappeared. The Ministry reported that it provided information to the families in 3,000 cases. In 1,600 of the cases, families requested administrative action to obtain death certificates for their missing relatives. There were no reported prosecutions of security force personnel stemming from these cases. Families of the missing persons, defense attorneys, and local human rights groups insisted that the Government could do more to solve the outstanding cases. The Government asserted that the majority of reported cases of disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals. In February, Ksentini stated in a radio interview that if security forces had played a role in the disappearances, it was due to "actions of individuals operating outside the scope of their superior's orders," and not any one state institution.

The total number of disappeared in the country continued to be debated. Officially, the Government has estimated that approximately 7,200 persons were missing, or disappeared, as a result of government actions and approximately 10,000 persons as a result of terrorist kidnappings and murders. Local NGOs reported figures of the total number of disappeared closer to 8,000. Amnesty International (AI) stated in its 2003 report that 4,000 men and women disappeared after arrest by members of the security forces or state-armed militias between 1993 and 2000. On January 18, during a national conference on the Disappeared sponsored by local NGOs, human rights attorney Ali Yahia Abdenour placed the combined number of missing from both categories, based on the testimony of family members, at 18,000, which is similar to the official government estimation. On September 20, Ksentini stated on national radio that he believed all the disappeared are dead. Some local human rights NGOs continue to reject this claim.

The Government continued to threaten the President of the Algerian League for Human Rights (LADH) with arrest after his publication of witness-based information on security-force related disappearances. Furthermore, the Government provided no information on whether it would repeal the in-absentia death sentence of human rights activist Sallahdine Sidhoum, imposed

after his publication of more than 2,000 names of the Disappeared on the Internet (see Section 4).

Terrorist groups continued to kidnap scores of civilians. In many instances, the victims disappeared, and the families were unable to obtain information about their fate.

During the year, four mass gravesites were found in Sidi-Moussa, Tizi-Ouzou, Boufarik, and Relizane. In the first two cases, the positioning of bodies and method of burial led government observers, as well as the local NGO SOMOUD, to conclude that they were burial sites dug by terrorist groups for deceased members of their respective organizations.

The Boufarik site was discovered in May when water-pipes were being laid in the ground. According to the independent press, the local fire chief responsible for the exhumation, said that the remains of seven people were discovered, but dated back forty years ago.

On November 13, a suspected mass grave site was discovered in Relizane and the personal effects of El Hadj Abed Saidane, who disappeared in 1996, were identified. The family of Saidane accused and formally filed a suit against Mohamed Fergane, the former mayor of the local town and the head of a self-defense militia during Saidane's disappearance. Fergane had previously been accused of being responsible for 212 forced disappearances between 1994-97 by families of the disappeared. The Relizane prosecutor's office agreed to conduct an investigation into this case.

In February, the GSPC kidnapped 38 foreign tourists, releasing them after crossing into Mali 6 months later. The media reported that one of the hostages died from exposure.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Constitution and legislation prohibit such practices; however, according to local human rights groups and defense lawyers, police at times resorted to torture when interrogating persons. The Penal Code provides that state agents using torture to obtain confessions may face a prison sentence of up to 3 years. There continued to be reports of police torture and other abuse of detainees during the year. AI and local NGOs have stated that some persons died in custody from torture or were executed. The U.N. Special Rapporteur for Torture noted that he received information alleging a large number of persons continued to be tortured or ill-treated by security forces. AI stated that it had received "dozens" of reports of torture from former prisoners or those detained by security forces. The International Red Cross noted a decrease in incidents of torture and that the severity of such acts diminished, although it did not have access to military prisons. Local human rights lawyers have also stated that the incidence and severity of torture had diminished due to the overall decrease in terrorism nationwide, but not due to a change in practice within the security forces.

The Government severely criticized the AI report at the U.N., and it denied the veracity of reports of torture brought before the U.N. Commission on Human Rights on the basis that formal complaints had not been filed. The Special Rapporteur reminded the Government that it has a responsibility to investigate all allegations of torture, even without a formal complaint. Many victims of torture hesitate to make public such allegations due to fear of government retaliation and a lack of physical evidence. Human rights attorneys maintain that torture still occurs in military prisons, more frequently on those arrested on "security grounds." Independent press reports, AI, and local human rights groups report that the preferred method of torture used by security forces includes beatings with fists, batons, belts, iron bars and rifle butts, whipping, cutting with sharp objects, soldering irons or cigarette butts applied to bare skin, attempted strangulation, and electric shock. In April, the independent press reported that the chiffon method of torture was a preferred method because it left no physical traces of assault. In September, AI reported an increased number of reports detailing the usage of the chiffon method.

According to AI, in March a 42-year-old restaurant manager from Bouira was tortured for 10 days at the military security center in the Ben Aknoun quarter of Algiers, and forced to sign a statement, while under duress, in which he "admitted" having links to armed groups. Upon receipt of this document, the examining magistrate remanded him into pre-trial detention. He is still awaiting trial, charged with belonging to a terrorist group and "failing to denounce murderers."

No action was taken in the 2002 case in which security forces allegedly tortured a shopkeeper in Surcouf or in which security forces tortured four members of the political party Rally for Democratic Culture (RCD) and their families.

In September, the director of the security forces stated that 2,269 gendarmes and 211 policemen had been dismissed over the last 2 years for abuse of authority, including arbitrary arrests (see Section 1.d.). On July 27, the Chief of the Gendarmerie Brigade of Ouled Rechache in the wilaya of Khenchela slapped a citizen in the face for not leaving enough room for the gendarmerie car to park. Demonstrations ensued next to condemn the abuse of power, and the National Gendarmerie Command subsequently dismissed the abusive officer the following week.

Security forces beat protestors during the year (see Section 2.b.).

Prison conditions were spartan, but generally met international standards. A local human rights activist noted that the condition of prisons throughout the country were a result of overcrowding, more than programmed or state-sponsored neglect. Poor medical standards for prisoners received press coverage in October 2002, 6 months after nationwide prison protests. However,

the provision of medical treatment remained limited. The media reported there was 1 doctor for every 300 prisoners. An international NGO noted that the Government continued to improve prison conditions. Prisoners generally were found to be in good health and benefited from adequate food and expanded visitation rights.

On September 30, 40 prisoners in Serkadji Prison in Algiers launched a hunger strike protesting the length of their detention before trial.

On November 22, President Bouteflika issued a presidential pardon to 3,080 prisoners on the occasion of the religious holiday, 'Eid El-Fitr. Prisoners condemned for terrorism, rape, incest, embezzlement, corruption, or drug trafficking did not benefit from the pardon.

Unlike in previous years, there were no large scale prison riots that resulted in numerous deaths and injuries. In general, the Government does not permit independent monitoring of prisons or detention centers outside of programmed visits by the International Committee of the Red Cross (ICRC). Limited monitoring consisted of pre-selected detainees, chosen by the Government, being granted access to and meeting with various international human rights groups. ICRC estimates it has visited one third of the country's prison population. The ICRC did not visit FIS leaders or other political leaders in prison or under house arrest.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the security forces continued arbitrarily to arrest and detain citizens, although reportedly less frequently than in previous years. In a press conference held in September, Ali Tounsi, head of the security forces, announced that 2,269 gendarmes and 211 policemen had been dismissed over the last two years for abuse of authority, to include arbitrary arrests (see Section 1.a.).

Police are not required to obtain warrants to make an arrest in accordance with the 1992 Antiterrorist Law or State of Emergency. The Ministries of Justice and Interior told AI in April that at least 23 gendarmes had been prosecuted and sentenced in military tribunals for "abusive use of firearms." However, the CNCPPDH told the AI delegation that only one gendarme had been sentenced. The Government has not provided an explanation for this discrepancy.

The Constitution provides that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. However, the State of Emergency allows the police to hold suspects in pre-arraignment detention for up to 12 days, although police must inform suspects of the charges against them. In practice the security forces generally adhered to the 48-hour limit in non-terrorist cases.

Prolonged pre-trial detention remained a problem. The law extended the period of pre-trial detention (a status assigned to individuals after the examining magistrate has concluded that the case is sufficiently strong to warrant court proceedings). Individuals accused of crimes punishable by prison sentences of at least 20 years can legally be held in detention while the Government continues its investigation. Additionally, the State of Emergency provides for legal framework under which those accused of "crimes considered terrorist or subversive acts" can be held for 36 months; and those charged of a "transnational crime" can be held in prison for as many as 60 months while they await trial.

Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention.

In 2002, Arouch Citizen's Movement members Belaid Abrika, Mouloud Chebheb, Mohamed Nekkah, Mahklouf Lyes, Allik Tahar, and Rachid Allouache were arrested and detained while attempting to follow the court proceedings of Kabylie residents arrested during riots protesting the lack of Government reparations for and resolution to the 2001 Kabylie Black Spring (see Sections 1.e., 1.g., and 3). In October 2002, Abrika was charged with inciting violence and held on a 4 month renewable basis until his trial. In December 2002, he and others began a 42-day hunger strike to protest their detention. In August, six individuals and eight other Citizens' Movement activists were released from pre-trial detention on "provisional liberty" as a part of the Government's sporadic efforts to broker a dialogue with the Arouch Citizen's Movement following the 2001 Kabylie Black Spring (see Section 1.g.). On December 29, the public prosecutor's office ordered the lifting of movement restrictions against those found guilty of rioting during the Black Spring of 2001. Accused individuals no longer need permission to leave the province boundaries nor report in to a local police station on a weekly basis.

In August, 60 Kabylie-based political activists were released from pre-trial detention after serving months in prison on public order charges. Released on provisional liberty, they continued to await a trial date at year's end.

During the year, the Government did not respond to a 2002 formal complaint lodged by RCD members for the 3-day detention of a party member without formal charges.

On July 2, Abassi Madani, President of the banned Islamic Salvation Front (FIS) party, released from prison in 1997, was granted provisional liberty after 6 years of house arrest. The Government issued him a passport in late August and Madani was allowed to travel abroad in early September. A condition of his provisional liberty precludes him from making media statements; he has done so frequently while under house arrest and from abroad with little or no government retaliation.

On July 2, the Government granted jailed oppositionist and FIS vice president Ali Belhadj provisional liberty and released him from prison despite his refusal to sign a statement of understanding agreeing to restrict his freedom of expression, ability to seek public office, and right to vote. Belhadj has made statements to foreign press entities since his release and delivered public sermons. He has been summoned to the Kouba police precinct after each occurrence, and interrogated by security forces and local police.

Police and communal guards frequently detained persons at checkpoints. Unlike in previous years, there were no reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. Reports of such occurrences remained difficult to verify. There were no further developments in the 2000 case of 73-year-old El-Hadj M'lik, who remains missing.

Neither the Constitution nor the law provides for forced exile and it was not known to occur. However, numerous cases of self-imposed exile involved former FIS members or persons who maintained that they have been accused falsely of terrorism as punishment for openly criticizing government policies. The UNCHR also noted an increase in human rights defenders seeking international protection from reprisals by security forces or local militia groups accused of committing human rights abuses.

In April, officials in the Ministry of Justice and the President of CNCPDH gave AI conflicting reports of the number of gendarmes tried for human rights abuses related to the 2001 Kabylie Black Spring. The number of gendarmes reportedly facing charges ranged from 1 to 24. A military tribunal sentenced the gendarme responsible for killing Guermah Massinissa, an event which sparked the 2001 Kabylie riots, to 2 years for involuntary homicide. The Penal Code allows for individuals taken into police custody to serve a maximum period of 12-days in detention before they are granted an audience with an examining magistrate. Detainees must be informed of their right to communicate immediately with family members, receive visitors, and be examined by a doctor of their choice at the end of their detention in the "garde a vue" (equivalent to a pre-trial holding cell). However, there have been frequent reports of these rights not being extended to detainees, and in some cases, local NGOs and human rights attorneys noted that the detention period extended beyond the legal limit, in one instance for 23 days (see Section 1.e.).

Local judges are required to grade the performance of Police Judiciaire (PJ) officers operating in their jurisdiction to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, executive branch decrees restricted the judiciary's authority. The Minister of Justice appoints judges who serve 10-year terms. The Minister of Justice may, according to the Constitution, remove judges for violations of the law or if they are involved in a situation that jeopardizes the reputation of justice. In 2000, the President massively reorganized the judiciary by reassigning large numbers of judges to different courts. The Government sought international technical assistance with the reform of its judiciary during the year, in many instances funded in full by the Government. The legislature undertook significant legislative reforms to revise the role and power of the judiciary, granting more authority, for instance to prosecutors; a reorganization of the courts to provide more specialized courts like a police, administrative, and commercial court; a top to bottom review of the civil and penal codes; and establishing penitentiary reforms that focus on prisoner rights.

The judiciary is composed of the civil courts, which tried cases involving civilians, and the military courts, which have tried civilians on security and terrorism charges. There is also a Constitutional Council, which reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, confirms the results of any type of election, and is the final arbiter of amendments that pass both chambers of the parliament before becoming law. The Council has nine members: three of the members (including the council president) are appointed by the President; two are elected by the upper house of the Parliament; two are elected by the lower house of the Parliament; one is elected by the Supreme Court; and one is elected by the Council of State. Regular criminal courts try those persons accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to increase from the previous year (see Section 1.d.).

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities did not always respect all legal provisions regarding defendants' rights, and continued to deny due process. Accused terrorists were tried in absentia on at least two occasions during the year. Some lawyers did not accept cases of defendants' accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS suffered harassment, death threats, and arrest. An unknown number of persons who could be considered political prisoners were serving prison sentences because of their sympathies with Islamist groups and membership in the FIS. International human rights groups did not request visits with political prisoners during the year; therefore it was unclear whether the Government would permit such organizations to visit political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution provides for the inviolability of the home; however, authorities frequently infringed on citizens' privacy rights. The State of Emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces also entered

residences without warrants in accordance with the 1992 State of Emergency. According to defense attorneys, police who executed searches without a warrant routinely failed to identify themselves as police and abused persons who asked for identification.

Security forces deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government actively monitored the telephone lines of political opponents, journalists, and human rights groups (see Section 4). There were no reports that police arrested close relatives of suspected terrorists to force the suspects to surrender.

Some local human rights activists and NGOs claimed that the Government continued to keep some former prisoners under surveillance and required them to report periodically to police.

Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food (see Section 1.a.). After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice. The Penal Code imposed high fines and prison terms of up to 24 months for defamation or "insult" of government figures, including the President, members of Parliament, judges, members of the military and "any other authority of public order." Those convicted face prison sentences that range from 3 to 24 months and fines of \$715 to 7,150 (50,000 to 500,000 dinars). During the year, at least 96 prosecutions occurred under the Penal Code.

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The State of Emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were applied throughout the year, and in some instances appeared to target specific media organizations and their staff. The number of independent press publications prosecuted or fined for reporting on security matters continued to increase from the previous year. The 2002 proposal to have fledgling newspapers screened by the Ministry of the Interior and Ministry of Justice, as opposed to the Ministry of Communication and Culture remained unimplemented. In general journalists exercised self-censorship by not publishing criticism of specific senior military officials, although during the year, the press widely criticized current and retired military officers. In August, the Government overtly used its power to halt newspaper publications and actively attempted to curtail local media criticism of high-ranking government officials, including President Bouteflika.

The country's independent media consists of nearly 40 publications that support or oppose the Government in varying degrees. Few papers have a circulation that exceeds 15,000, making the degree to which they are both financially and editorially independent questionable. El Moudjahid remains the sole state-owned paper. There were no newspapers owned by political parties, although Liberte, L'Expression, L'Authentique, and El-Borhane continued to report from an ideological perspective. Many parties, including legal Islamic political parties, had access to the independent press, in which they expressed their views without government interference. Opposition parties also disseminated information via the Internet and in communiqués.

Algerian radio and television were government owned, with coverage favoring President Bouteflika and the Government's policies. Opposition candidates were prevented from appearing on television or radio during the last quarter of the year in anticipation of the 2004 presidential elections.

Satellite-dish antennas were widespread, and millions of citizens had access to European and Middle Eastern broadcasting. The Government, on occasion, enforces restrictions on the publication of some books related to Tamazight and Amazigh culture through an increased reliance on bureaucratic hurdles. Government-owned radio continued to broadcast Tamazight language programming and government-owned television broadcasts a nightly news bulletin in this language.

The law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom. However, in practice the existence of such did little to curb independent press reporting. Journalists were repeatedly subject to harassment, intimidation, or violence by police. During the past decade, terrorists and in some instances, security forces, frequently targeted the local media for supporting one side over the other.

In May, satirical political cartoonist for Liberte, Ali Dilem, was sentenced to a 6-month suspended jail sentence for defamation. The Ministry of National Defense sued Dilem, his editor, and the owner of the French independent daily paper Liberte on behalf of General Mohammed Lamari, alleging personal insult and defamation. On December 23, Dilem, received a suspended sentence of 4-months and fined \$1,428 (100,000 dinars) for a cartoon criticizing the army published in April 2002. His publishing director and editor, Abrous Outoudert and Hacene Ouannadjeli, respectively were both fined \$714 (50,000 dinars).

On December 27, police summoned anti-corruption writer for Le Soir d'Algeri, Djilali Hadadj, on charges of defamation.

In December, a regional court released journalist Hassan Bouras, an anti-corruption writer who had been sentenced to 2 years

on a prison farm and a 5 year ban from working as a journalist on defamation charges against the El-Bayadh prosecutor, whom he reported was involved with corruption scandals.

In 2002, two journalists were brought before the court and censured for reporting on security force tactics used against terrorists in mountainous areas. A television journalist with National Radio and Television (RTN) was refused accreditation without explanation and barred from covering the October 2002 local elections. Despite inquiries on his behalf by RTN and other interested parties, the grounds of the refusal were not made public. There was no update in his case at year's end.

The Government continued to exercise pressure on the independent press through the state-owned advertising company which determined which independent newspapers could benefit from advertisements placed by state-owned companies. Advertising companies tended to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers had large readerships or offered inexpensive advertising rates.

Despite a Government printing ban that targeted six papers during the summer, the independent press continued to comment regularly and openly, and expressed a wide range of views on significant issues such as presidential policies, political developments, terrorist violence, and surrenders under the amnesty program. However, some elements of the news media practiced self-censorship.

According to a 1994 inter-ministerial decree, independent newspapers may print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). However, independent newspapers openly ignored the directive, and the trend toward increased openness on security force activities continued. The Government provided the press with more information about the security situation than in the past through increased communiqués. During the year, the Army also began to issue more communiqués to the press and occasionally invited journalists to the sites of confrontations with terrorists. The government-controlled press reported on terrorism in an increasingly straightforward and factual manner.

Most independent newspapers, continued to rely on the Government for printing presses and newsprint. On August 18, the government printing press refused to print five newspapers and supply newsprint stock to one other on the grounds of overdue debts. The Government called in the debts of French independent dailies *Le Matin*, *Liberte*, *El Watan*, and *L'Expression* and Arabic independent dailies *Errai* and *El Khabar* after the close of business and at the close of the work-week, announcing that each newspaper had 48 hours to pay delinquent bills. The majority of the targeted papers remained closed for 15 days. All resumed publishing by September 5, except the Arabic-language daily *Errai*.

The Government imposed restrictions on the international media's coverage of issues relating to "national security and terrorism." Over the course of 3 days in July, the Government deported four journalists for their coverage "outside of their hotel rooms" of released political prisoners Ali Belhadj and Abassi Madani. The Government threatened similar action against others who violated the guidelines of the Ministry of Communication communiqué forbidding media coverage of the prisoners' release (see Section 1.d.).

Unlike in previous years, the independent press reported openly about the Government's use of wiretaps, allegations of torture, government corruption, and human rights abuses related to the Kabylie region. There also was significant coverage of NGO activity aimed at publicizing government abuses committed in the past.

The Government continued a 2002 administrative ban, throughout the Ministries of Energy, Interior, Labor, Finance, and Justice, on the distribution of the newspapers *Liberte*, *Le Matin*, *Le Soir*, and *El -Youn*, for being critical of the Government.

The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. A 1995 ban barring FIS officials from making public statements remained in force at year's end.

The Government did not restrict academic freedom. Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, during the year, some continued to return. A growing number of academic seminars and colloquiums occurred without governmental interference. There were extensive visa issuance delays to international participants and refusal to allow international experts into the country (see Section 4).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Emergency Law and government practice sharply curtailed this right. Citizens and organizations were required to obtain permits from the appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were frequently granted days before events were to take place, often impeding event publicity and outreach.

A 2-year old decree continued to ban demonstrations in Algiers. On March 13, members of the political party, Movement for a Peaceful Society (MSP), attempted a march towards the Presidency building in protest over the Government's lack of support for the Iraqi people. The police used force to break up the march.

However, the Government tolerated numerous marches, protests, and demonstrations during the year in other parts of the country. Gatherings occurred without government interference on the dual anniversary of the 2001 Kabylie Black Spring and 1980 Amazigh Spring and during the war in Iraq. However, in other instances, security forces used force to curtail or suppress public demonstrations, although the severity of force used declined significantly from 2001. The 2002 ban on public demonstrations in the communes on the outskirts of Tizi Ouzou remained in place.

In January, security forces utilized armored personnel carriers to disperse revelers celebrating the Berber New Year on the streets of Tizi Ouzou.

Between March 8 and April 19, security forces, consisting of plains-clothed police officers, local police forces, and gendarmerie, used force to curtail demonstrations protesting war in Iraq. Demonstrators were arrested, journalists had video and recording equipment confiscated, and protesters sustained numerous serious injuries due attributed to police tactics.

No action was taken against security forces who used excessive force to disperse demonstrators in 2002 and 2001.

The Constitution provides for the right of association; however, the Emergency Law and government practice severely restricted it. The Interior Ministry must approve all political parties before they may be established (see Section 3). The Government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but refused to provide evidence or legal grounds for its refusal to authorize other organizations that could not be disqualified under articles pertaining to national security. The Government frequently failed to grant official national recognition to NGOs, associations, and political parties in an expeditious fashion. Some NGOs reported that local registration was more easily attained. Some groups continue to be active without official or legal recognition, but bureaucratic delays hindered their freedom of association and assembly (see Section 3). The Government issued licenses to domestic NGOs. The Interior Ministry regarded those unable to attain government licensure as illegal. Domestic NGOs were prohibited from receiving funding from abroad, although this was subjectively enforced. The Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it (see Section 3).

Membership in the FIS remained illegal, although at least one former FIS leader announced publicly in 2002 that he intended to form a cultural youth group. Some unlicensed groups operated openly, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings during the year, with minimal government interference.

In mid-July in Oran, supporters and members of the human rights NGO SOS Disparus were forcibly dispersed during a protest seeking government redress of the question of the disappeared. Sixty persons were arrested, and police injured numerous individuals, including many women over the age of 40.

On September 17, police forces in Algiers arrested and physically assaulted Arouch delegate, Belaid Abrika, during the breakup of a public rally before the Court of Algiers held to protest government actions against the independent press (see Sections 2.a. and 2.b.). Abrika was taken into custody and after refusing to state his name, beaten so severely that upon release, doctors at Mustapha Hospital ordered him to undergo 21 days of bed rest. At the same rally, police detained a noted human rights attorney. Credible sources report that three police officers had to be pulled off of the individual once witnessing officers recognized him.

c. Freedom of Religion

The Constitution prohibits discrimination based on religious belief and the Government generally respected this right in practice; however, there were some restrictions. The Constitution declares Islam to be the state religion and the law limits the practice of other faiths; however, the Government in practice seldom interferes with the religious activities of non-Muslims.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, Roman Catholic churches, including a cathedral in Algiers (the seat of the Archbishop), conducted services without government interference, as does a Protestant church. There were only a few smaller churches and other places of worship; non-Muslims usually congregated in private homes for religious services.

The study of Islam is a strict requirement in public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs. The Government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs for "disciplinary action" when deemed appropriate. The Ministry of Religious Affairs provided financial support to mosques and has limited control over the training of imams. The Ministry of Religious Affairs frequently appointed selected imams to mosques throughout the country, and by law is allowed to pre-screen religious sermons before they are delivered publicly. In practice, while the Government frequently reviewed sermons, the press reported that mosques supplanted government-appointed imams with those that hold views more closely aligned to the sentiments of each mosques' adherents.

The Penal Code provides prison sentences and fines for preaching in a mosque by persons who have not been recognized by the Government as imams. Persons (including imams recognized by the Government) were prohibited from speaking out during

prayers at the mosque in a manner that was "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions." The Government sanctioned a number of imams for inflammatory sermons following the May 21 earthquake.

While Islamic law and tradition prohibit conversion to other faiths at any age, the Constitution's provisions concerning freedom of religion bar any Government sanction against conversion, though conversions from Islam to other religions were rare. Because of safety concerns and potential legal and social problems, Muslim converts practiced their new faith clandestinely. Non-Islamic proselytizing is illegal, and the Government restricted the importation of non-Islamic religious literature for widespread distribution, although not for personal use. Non-Islamic religious texts and music and video selections no longer were difficult to locate for purchase. However, restrictions on the importation of Arabic and Tamazight-language translations of non-Islamic texts were periodically enforced. The government-owned radio station provided broadcast time to a Protestant radio broadcast. The Government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The country's 11-year history has pitted self-proclaimed radical Muslims against the general Islamic population. Self-proclaimed "Islamists," or religious extremists issued public threats against all "infidels" in the country, both foreigners and citizens, and used terrorism to kill both Muslims and non-Muslims, including missionaries. The majority of these individuals did not, as a rule, differentiate between religious and political killings.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricted these rights. Abassi Madani, the former head of the banned FIS party, was allowed to travel internationally for the first time since he was placed under house arrest in 1997 (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; such authorization may be granted to students and to those persons with special family circumstances. The Government prevented certain members of the Arouch Citizen's Movement from traveling into Tunisia, and its use of "provisional liberty" against recently released Arouch-detainees and the editor of French-language independent daily *Le Matin* significantly curbed these individuals rights to travel freely, in circumvention of domestic law. However, movement restrictions placed on the Arouch were lifted as part of a government-Kabylie dialogue to overcome the political tensions in that region (see Section 1.d.).

The Family Code does not permit married females less than 18 years of age to travel abroad without their husband's permission; however, this provision generally was not enforced in practice (see Section 5).

Under the State of Emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricted travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers were located, to enhance security in those areas.

The police and the communal guards operated checkpoints throughout the country. They routinely stopped vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detained persons at these checkpoints.

Armed groups intercepted citizens at roadblocks, often using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks (see Section 1.a.).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. There were no reports of the forced return of persons to a country where they feared persecution. The country also hosts an estimated 5,000 Palestinian refugees, most of whom no longer require international assistance. During the year, the Government provided temporary protection to approximately 165,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government; however, there are limitations to this right in practice. Although factors such as voter distrust and apathy underscored continuing problems in the area of governance, the situation continued to improve. The application of broad executive powers, supported by the entrenched power of the military and the bureaucracy, inhibited citizens from exercising this right. The Constitution requires presidential elections every 5 years, though this was not necessarily the case in the 1990s due to resignation, assassination, and domestic instability.

President Bouteflika was elected in an April 1999 presidential election that was seriously flawed by the withdrawal 1 day before the election of all other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign was conducted fairly, with all candidates widely covered in both state-owned and private media. One potential candidate was denied the ability to run because the electoral commission determined that he could not prove that his participation in the country's war of independence against France, a legal requirement for candidates for President born before July 1942. With the withdrawal of the other candidates and the absence of foreign observers, it was difficult to make an accurate determination of election turnout. Although it apparently was as low as 30 percent, the Government claimed a 60 percent turnout.

A 2002 electoral law allowed the Government to remove candidates from party lists for "security" reasons. Election observers noted that, during the 2002 parliamentary and local elections, those selected for removal were more frequently from Islamic parties. Independent observers further questioned the Government's removal, for "security" reasons, of the names of a sitting judge and a professor assigned to a national military academy from candidates lists.

In May 2002, the country held its second round of multi-party parliamentary elections since 1992. The elections were regarded as free and fair, although not problem-free. Candidates representing 23 political parties participated, along with several independent candidates.

The 2002 elections put the FLN back in control of the National Popular Assembly after an 11-year absence from power. It more than tripled its number of seats in the 389-seat parliament, securing 199 seats in total. Two conservative Islamic parties, El Islah and Movement of the Society for Peace (MSP) share control of 81 seats, the second largest bloc in the governing body. The Kabylie-based RCD and Socialist Forces Front (FFS) boycotted the vote to protest government inaction to address the problems of the Kabylie Black Spring, and urged loyalists to support their contention that the election was an outright sham. Voter turnout of 46 percent was the lowest since the country's independence. Problems were reported by credible sources at some polling stations, notably ballot envelopes filled with positive votes for the FLN. The Kabylie region launched a sometimes violently enforced boycott to protest the lack of transparency, increased corruption, and overt discrimination against Amazigh parties and candidates, successfully limiting the vote to 15 percent in some regions and 7 percent in Tizi Ouzou. Residents in the Kabylie region boycotted local elections in October 2002, with many protests leading to violent confrontations with the police, who used excessive force to quell protests.

In December, indirect elections for one-third of the Council of the Nation (upper house) were held. According to the Constitution, the Council is comprised of 144 seats; two-thirds of the members are indirectly elected by members of their regional assemblies - the Popular Communal Assemblies and the Popular State Assemblies. The remaining one-third are appointed by the President. Seats for half of the elected members are voted on every three years to serve six-year terms. In the December elections, the National Democratic Rally (RND) won 17 seats, and the National Liberation Front (FLN) won 22 seats (split evenly amongst Benflis and Bouteflika supporters). The two conservative Islamic parties, MSP and El Islah won four and two seats respectively. One independent member was also elected. This was the first time Islamist Council members have been elected. Members of the regional assemblies in the Kabylie wilayats of Tizi-Ouzou and Bejaia did not participate due to their longstanding boycott of national elections.

Throughout the last quarter of the year, the Army high command and the Army Chief of Staff General Mohamed Lamari, publicly professed the military's neutrality in the electoral process for the April 2004 presidential election. In December, the parliament passed an electoral reform law prohibiting the questionable practice of soldiers voting in the barracks 24 hours in advance of the general election as a step towards a more transparent electoral process.

The Constitution provides the President authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament is not in session. The President did not exercise such authority during the year. The Parliament has a popularly elected lower chamber, the National Popular Assembly and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's members. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

The law requires that potential political parties receive official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. The Government has refused to register two parties: Wafa and Front Democratique. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and are engaged in activities that ranged from holding rallies to issuing communiqués. The Government continued to ban the FIS as a political party. The Front Democratique's application for recognition remained pending at year's end. With the exception the formerly governing National Democratic Rally (RND), political parties sometimes encountered difficulties with local officials who hindered their organizational efforts to have access to public venues and to attain permits for assembly.

On December 30, the Algiers Administrative Court invalidated the FLN's 8th Party Congress, held in March, for not respecting FLN party rules. The media and local political class widely criticized the ruling as a clearly inappropriate use of executive influence to create bureaucratic hurdles for the candidacy of Ali Benflis, the FLN Secretary-General and former Prime Minister

dismissed by Bouteflika, who wanted to run for the upcoming 2004 presidential election.

The new Cabinet, appointed on October 2, has five women members. The Cabinet underwent three shuffles this year, one following the appointment in May of RND party leader Ahmed Ouyahia's appointment as Prime Minister, a second on September 6. While the RND has a majority in the upper house of the parliament, the lower house, from which the Prime Minister is appointed, is controlled by the FLN. Twenty-four of the 389 members of the lower house of Parliament are women. The upper house had seven female members. This was an increase of 45 percent and 14 percent respectively, from the previous year. During both sets of the elections that occurred this year, women candidates could be found on the top tiers of lists; this remained true for both RND and the Islamic-leaning party of Islah. A woman led the Workers' Party, and all the major political parties except one had women's divisions headed by women.

The ethnic Amazigh minority of about 9 million centered in the Kabylie region participated freely and actively in the political process; however, Amazigh protests and boycotts surrounding the May and October elections underscored the economic and social neglect felt by many in this community, which made up nearly one third of the overall population.

The Tuaregs, a nomadic people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the South and along the border regions where they remained the dominant ethnic group. During the year, President Bouteflika appointed a Tuareg to the Council of the Nation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government interference, investigating and publishing their findings on human rights cases. However, the Government continued to harass local NGOs. Some NGOs continued to experience visa delays or refusals, but more visas were issued than in the past. The most active independent human rights group was the Algerian League for the Defense of Human Rights (LADHD), an independent organization that had members throughout the country. The LADHD was not permitted access to government officials for human rights and advocacy or research purposes, or to prisons, except as under the normal consultations allowed between a lawyer and a client. The less active LADH was an independent organization based in Constantine. The LADH had members throughout the country who followed individual cases. Human rights groups reported harassment by government authorities in the form of obvious surveillance and monitoring of telephone service, arbitrary detention, questionable and repeated police summonses, and false arrest (see Section 1.f.). Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad, although they may receive in-kind donations. Some unlicensed NGOs operated openly.

On September 13, Mohamed Smain, President of LADH, was summoned to the local police precinct and arrested without charge. The presiding judge dismissed the court case the following day. Smain had been sentenced to 1 year in prison for the defamation of the mayor of Relizane and eight members of its local self-defense force. He alleged in a published report on human rights abuses that his nine accusers had participated in the abduction, torture, killing, and disappearance of dozens of people. Smain was granted "provisional liberty" while the Supreme Court reviewed his case.

In May 2002, unknown assailants beat an RCD human rights attorney outside of the El Aurassi Hotel. RCD officials alleged that "aspects of the Government" were involved in the attack. Monitoring by international NGOs trips has occurred at the invitation of the Government and independently when the Government chose to issue visas. While the majority of groups were allowed to move about freely, many reported obvious surveillance.

During the year, AI was allowed to visit the country from February 15 to March 3, its first visit since 2000. A local AI chapter has been active since 1999, but has been largely inoperable due to government interference. HRW, Freedom House, and the Carnegie Endowment for International Peace have encountered visa difficulties following the issuing of reports perceived to be critical of the Government. HRW made several visa requests throughout the year to no avail, and was forced to send an affiliated Tunisian lawyer, to observe the trial of Salaheddine Sidhoum and meet with local NGO groups. Carnegie was able to visit in March. After several requests, Freedom House was issued visas in October and visited the country in December. The ICRC established a permanent office in Algiers in 2002. It has full access to civilian prisons, pre-trial detention centers, and garde-a-vues. ICRC has not been granted access to the country's military prisons.

The Government did not respond positively to requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Special Rapporteur on Torture, and the U.N. Special Rapporteur on Extra-judicial Executions. However, the UN Rapporteur on the Freedom of Religion was allowed to visit the country in September 2002.

In 2001, the Government established the CNCPPDH as the Government's ombudsmen for human rights. The Commission is made up of 45 members, 22 of whom belong to governmental bodies and 23 of whom come from civil society and NGOs. The nongovernmental members include representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the Commission's budget and secretariat come from his office. The Commission is mandated to report on human rights issues, coordinates with police and justice officials, advocates domestic and international human rights causes, mediates between the Government and the population, and provides expertise on human rights issues to the Government. In March, the Commission submitted a report to the president recommending a special commission to handle the issue of the disappeared. The report was not made public.

In September, the President announced the creation of a government commission dedicated to the issue of the disappeared and named Farouk Ksentini to head the body that would serve as an "ad hoc mechanism" between the families of the victims of the disappeared and the Government (see Section 1.b.).

Some of the country's most contentious human rights issues, notably the issue of the disappeared, attract a disparate group of NGOs. Ideological divisions within the NGO community create an environment in which the views of some NGOs, particularly on the issue of the disappeared, are often perceived by other groups as serving as apologists for the Government. The government maintains that the majority of the disappeared have joined terrorists groups, left the country for economic reasons, or have been kidnapped and killed by terrorists. Groups arguing that security forces are the responsible actor occasionally view NGOs that support the latter tendency with suspicion (see Section 1.b.).

The CNCPPDH meets periodically with SOS Disparus, ANFD, LADDH, and others to discuss the status of human rights. The Commission reportedly incorporated the NGOs demands into its report on the Disappeared. President Bouteflika rejected their recommendations with the creation of an "ad hoc interface mechanism," rather than an investigative Committee of Inquiry (see Section 1.b.).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition; however, women continued to face legal and social discrimination.

Women

Women's rights advocates assert that spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. Rape also occurred. There are no specific laws against spousal rape. Rape is illegal, and in principle, a spouse could be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently were reluctant to endure this process. There were few facilities offering safe haven for abused women. Two prominent associations for women that have received recognition by the Government and international community are SOS Femme en Detresse and SOS Femme Batus. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There were several rape-crisis centers run by women's groups, but they had few resources.

During the year, terrorists sometimes specifically targeted women. There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during the year. One rape crisis center specializes in caring for women who are victims of rape by terrorists (see Sections 1.b., 6.c., and 6.f.).

In 2002, 10 men were sentenced to terms of 5 months to 3 years in prison for raping women in a shantytown area near the oil town of Hassi-Messoud in 2001. Several victims dropped their complaints, because they were threatened by the local townspeople. The law prohibits prostitution; however, for economic reasons, prostitution was reported to be a growing problem.

A cabinet level position dedicated to women and children has existed since 2002. The independent press reported that the Prime Minister stated in August "women's issues were not a priority before the April presidential elections." Some aspects of the law and many traditional social practices discriminated against women. The Family Code, which is based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. Under the Family Code Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Divorce is difficult for a wife to obtain. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffered from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Married females under 18 years of age may not travel abroad without their husbands' permission. Women may take out business loans and use their own financial resources.

Despite legal provisions and regulations providing equality between men and women, in practice women still face discrimination in employment resulting from societal stereotypes. Leaders of women's organizations report that discriminatory violations are

common. Labor Ministry inspectors did little to enforce the law.

Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Women made up more than half of the university student population; however, women constituted only 10 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to men's careers. About 25 percent of judges were women, a percentage that has been growing in recent years. At year's end, women headed 26 courts (see Section 1.e.).

There were numerous women's rights groups, although the size of individual groups was small. Their main goals were to foster women's economic welfare and to amend aspects of the Family Code. In March, women's rights groups launched a coordinated campaign to reform the Family Code. At year's end, despite the Government hosting two closed-door conferences to discuss the Code's impact, utility, and cultural significance, no changes were made.

Children

The Government is generally committed to the welfare, rights, health and education of children. The Government provides free education for children through the university system. More than 85 percent of children completed the ninth grade. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out for financial reasons in rural areas. The girls were then sent to vocational training schools deemed more practical for their economic situation.

The Government provided free medical care for all citizens, albeit in often rudimentary facilities. The Ministry of Youth and Sports had programs for children, but such programs faced serious funding problems.

Child abuse was a problem. However, a system for reporting actual or suspected child abuse existed nationwide in the country's school systems. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited an increase in domestic violence aimed at children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Children often were the victims of terrorist attacks.

Economic necessity compelled many children to resort to informal employment, such as street vending (see Section 6.d.).

Persons with Disabilities

The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing the work force, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided for payments for orthopedic equipment, and some NGOs received limited government financial support.

Section 6 Workers Rights

a. The Right of Association

About two-thirds of the labor force belonged to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities. The UGTA encompasses national unions that are specialized by sector. The law on labor unions requires the Labor Ministry to approve a union application within 30 days and allows for the creation of autonomous unions, others than those affiliated to UGTA. However, attempts from new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but without success. The CSA continued to function without official status.

Workers are required to obtain government approval to establish a union, and the Government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union.

Starting on October 14 and lasting through November, the National Council of Secondary and Technical Education Professors (CNAPEST) and the Secondary School Council of Algiers (CLA) went on strike over low wages. Education Minister Boubekeur Benbouzid, backed by Prime Minister Ahmed Ouyahia, refused to meet with representatives of either union because they were not officially recognized. Instead, the Government ordered the suspension of more than 300 teachers and threatened further sanctions. Then, the officially recognized UGTA affiliate National Federation of Education Workers (FNTE) joined the strike which involved primary, middle and secondary school teachers as well as administrative workers. This led to an impasse and subsequent dialogue with the government. Benbouzid spoke with the CLA and agreed to raise wages. Monthly wages were \$214 (15,000 dinars) and increased by \$71 (5,000 dinars). On December 1, the teachers returned to work.

The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving

trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts were empowered to dissolve unions that engaged in illegal activities.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining for all unions, and the Government permitted this right in practice for authorized unions. Under the State of Emergency, the Government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation or mediation. The Government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

The law provides that all public demonstrations, protests, and strikes must receive government authorization prior to commencement. During the year, strikes and gatherings occurred throughout the year in various sectors including a 2-day general strike all over the country with no government or security forces retaliations. The 2001 ban on marches in Algiers remained in effect.

The ILO Committee of Experts requested the Government to take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, offenses directed against the stability and normal functioning of institutions through any action taken with the intention of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The Government claimed that the Decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

On February 16, 12 national ports were paralyzed as the result of a strike launched by the port workers' union protesting against the privatization of the ports and the exclusion of the workers from the debate.

On February 25, the UGTA called a general strike, which effectively shut down air and rail transport, banks, and the educational system. Strikers were demanding a raise in the minimum wage, currently equivalent to a monthly salary of \$105 (7,350 dinars) and pushed for changes in the pension and healthcare systems. They also protested continuing unemployment in a society where the official unemployment rate is 30 percent. According to official estimates, 50 percent of those under the age of 30 are unemployed.

The Government established an export-processing zone (EPZ) in Jijel. Workers in the EPZ have the same rights as other workers in the country.

c. Prohibition of Forced or Bonded Labor

Forced or bonded labor is prohibited by the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or bonded labor by children; while the Government generally enforced the ban effectively, armed terrorist groups reportedly kidnapped young women and girls, and held them captive for weeks at a time, during which group members raped them and forced them into servitude.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in 2003 that approximately 3 percent of children worked in some capacity. There was no child labor reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children work part time or full time in small workshops, in family farms, and in informal trade.

e. Acceptable Conditions of Work

The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage is insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, their enforcement was inconsistent.

The standard workweek was 37.5 hours. Workers who worked beyond the standard workweek received premium pay on a sliding scale from "time and a half" to "double time," depending on whether the overtime was worked on a normal work day, a

weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing, resort to the courts; however, the high demand for employment in the country, gave the advantage to employers seeking to exploit employees.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons and there were reports that such practices occurred. In August 2002, the country signed the U.N. Convention Against Transnational Crime that includes the Protocol on Trafficking in Persons. There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during the year and media reports and credible sources detailed the enslavement of Malian women by Pakistani nationals in the southern city of Tamanrasset. Illegal immigrants from West and Central Africa travel through the country and are transited to destinations in Europe. Some may have been forced into prostitution while awaiting onward travel.